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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE CAUSTIC POISON ACT

[Given pursuant to section 9 of the caustic poison act]

16-21

[Approved by the Acting Secretary of Agriculture, Washington, D.C., March 24, 1934]

16. Misbranding of packages of ammonia. U. S. v. Wolfe Cormond Water, Inc. Plea of guilty. Fine, 6¢. (C. P. A. no. 17. Sample no. 16500-A.)

This case was based on an interstate shipment of ammonia that was not labeled in the manner required by law to safeguard the use of such products, the word "Poison" appearing in type smaller than required, and the directions for treatment in case of accidental personal injury being inadequate and incomplete.

On May 11, 1933, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Wolfe Cormond Water, Inc., Pawtucket, R. I., alleging shipment by said company, on or about December 5, 1932, from the State of Rhode Island into the State of Massachusetts, of a quantity of ammonia, the packages of which were misbranded within the meaning of the Federal Caustic Poison Act. The article was labeled in part: (Bottle) "Wolfe's Famous Hi-Test Ammonia * * * Manufactured by A. Wolfe, Inc. * * * Pawtucket, R. I."

It was alleged in the information that the article contained ammonium hydroxide in a proportion of 5 percent or more, and was a dangerous caustic or corrosive substance in packages suitable for household use; and that it was misbranded, since the word "Poison", borne on the label, was printed in type less than 24-point size and smaller than the largest type borne on the labels; and in that the label did not bear adequate and complete directions for treatment in case of accidental personal injury.

On June 12, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of 6¢.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

17. Misbranding of Miller's Anti-Mole. U. S. v. 18 Bottles of Miller's Anti-Mole. Default decree of destruction entered. (C. P. A. no. 18. Sample no. 35772-A.)

This action involved a preparation, known as Miller's Anti-Mole, which contained a dangerous caustic or corrosive substance, nitric acid, in a proportion greater than 5 percent, namely, in the proportion of 62.3 percent. The common name of the said dangerous substance, the word "Poison", and directions for treatment in case of accidental personal injury, all of which statements are required by law, were not printed on the label.

On or about April 15, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 packages of Miller's Anti-Mole at Kansas City, Mo., alleging that the article had been shipped in interstate commerce, on or about January 27, 1933, by the Miller Manufacturing Co., from Lincoln, Nebr., and charging misbranding in violation of the Federal Caustic Poison Act.

It was alleged in the libel that the article was misbranded in that it was a caustic or corrosive substance in packages suitable for household use, and the label did not bear the word "Poison", it did not bear the common name

of the caustic or corrosive substance, nitric acid; and it did not bear directions for treatment in case of accidental personal injury.

On June 14, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

18. Misbranding of pipe cleaner. U. S. v. 6 Cases of Pipe Cleaner. Default decree of condemnation, forfeiture, and destruction. (C. P. A. no. 20. Sample no. 37017-A.)

This case involved a product, labeled "Albatross Pipe Cleanser made only by General Basic Kalsomine Company Seattle U. S. A.", in containers suitable for household use, which was intended for use in removing obstructions in drain-pipes, etc., and which contained 95.2 percent of sodium hydroxide, a dangerous caustic and corrosive substance. The common name of the said dangerous substance, the word "Poison", and directions for treatment in case of accidental personal injury, all of which statements are required by law to safeguard the users of such products, were not printed on the label.

On May 1, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cases of pipe cleaner at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about March 15, 1933, by the West Coast Kalsomine Co., from Seattle, Wash., and charging misbranding in violation of the Federal Caustic Poison Act.

It was alleged in the libel that the article was misbranded in that the label did not have a statement giving the common name of the dangerous caustic or corrosive substance, sodium hydroxide, contained in the article; the word "Poison" did not appear upon the label; and the label did not contain any directions for treatment in case of accidental personal injury.

On July 8, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

19. Misbranding of Sinclair's Solvo. U. S. v. 15 Cases of Sinclair's Solvo. Default decree of condemnation, forfeiture, and destruction. (C. P. A. no. 24. Sample nos. 36326-A, 36336-A.)

This case involved a dangerous caustic and corrosive substance in containers suitable for household use. The labels failed to bear the information and warning that the law requires be placed on the labels of such products as a safeguard in their use.

On August 23, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of Sinclair's Solvo at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 23 and July 31, 1933, by the Sinclair Manufacturing Co., from Toledo, Ohio, and charging misbranding in violation of the Federal Caustic Poison Act.

It was alleged in the libel that the article was misbranded in that the label did not bear a statement giving the common name of the dangerous caustic or corrosive substance contained in the article, sodium bisulphate; for the reason that the label did not bear the word "Poison"; and for the further reason that the label did not bear directions for treatment in case of accidental personal injury.

On October 9, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20. Misbranding of packages of ammonia. U. S. v. Wadhams & Co., Inc. Plea of guilty. Fine, \$50. (C. P. A. no. 19. Sample no. 30780-A.)

On August 23, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Wadhams & Co., Inc., a corporation, Portland, Oreg., alleging shipment by said company, on or about January 16, 1933, from the State of Oregon into the State of Washington, of a quantity of ammonia, the packages of which were misbranded within the meaning of the Federal

Caustic Poison Act. The article was labeled in part: (Bottle) "Regal Washing Ammonia For Household Use Manufactured By Wadhams & Company Incorporated, Portland, Ore."

It was alleged in the information that the article contained ammonium hydroxide in a concentration of 5 percent or more, and was a dangerous caustic or corrosive substance in packages suitable for household use; and it was misbranded in that the labels did not bear the word "Poison" in letters of 24-point size, or at all; and in that the labels did not bear directions for treatment in case of accidental personal injury.

On October 24, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

21. Misbranding of Electrolite. U. S. v. Samuel Taubman (Uncle Sam Products Co.). Plea of guilty. Fine, \$50 and costs. (C. P. A. no. 22. Sample no. 28684-A.)

On August 8, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Samuel Taubman, trading as Uncle Sam Products Co., Akron, Ohio, alleging shipment by said company, on or about November 12, 1932, from the State of Ohio into the State of Michigan, of a quantity of Electrolite, the packages of which were misbranded within the meaning of the Federal Caustic Poison Act. The article was labeled in part: "Solution for Balkite 'B' Power Units and 'A' Chargers. * * * Electrolite * * * Uncle Sam Products Co. Akron, Ohio."

It was alleged in the information that the article contained sulphuric acid in a concentration of 10 percent or more, and was a dangerous caustic or corrosive substance in packages suitable for household use; and that the packages were misbranded in that the labels did not bear a statement of the common name of the dangerous caustic or corrosive substance, namely, sulphuric acid; in that the label did not bear the word "Poison" as required by law; and in that the label did not bear directions for treatment in case of accidental personal injury.

On November 13, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

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